

**Minutes  
Bar Harbor Planning Board  
December 3, 2008  
Council Chambers – Municipal Building  
93 Cottage Street**

**I. CALL TO ORDER — 6:02 p.m.**

**II. EXCUSED ABSENCES**

*Mr. Bowden moved to excuse Ms. Williams from the meeting. Mr. Cochary seconded and the Board voted unanimously to approve the motion.*

**III. ADOPTION OF THE AGENDA**

*Mr. Bowden moved to adopt the agenda. Mr. Cochary seconded and the Board voted unanimously to approve the motion.*

**IV. APPROVAL OF MINUTES**

*Mr. Cochary moved to adopt the minutes from the November 19 meeting. Mr. Bowden seconded and the Board voted unanimously to approve the motion.*

**V. REGULAR BUSINESS**

**A. Completeness Review and Possible Public Hearing – SP-08-02 – Young’s Pier, LLC**

**Project Location:** 35 West Street, Bar Harbor Tax Map 102, Lot 2

**Applicant:** Young’s Pier, LLC

**Application:** Raze and reconstruct buildings and pier

Mr. Moore gave the Board an overview of updates to the project since the last meeting on November 5. Mr. Moore confirmed that the applicant submitted the items requested by the Board to consider the application complete.

Ms. Krieg reviewed issues raised in the staff report. These issues included the number of grandfathered parking spaces that run with the land, the height of the existing structures and the existing dwelling units on the property. Ms. Krieg confirmed that these issues had been settled with the applicant and the parking spaces, height and dwelling units can transfer to the new development because of nonconforming protection.

Mr. Cochary inquired about the existing setbacks and how that would change with the new structures. The applicant noted that the existing setback is zero because the pier is constructed right up to the sidewalk and the setback will not change because the pier is being proposed to be rebuilt in the same footprint.

Mr. Bowden asked about the existing fuel tank and what the applicant plans to do with it. The applicant responded that they are not sure if they will move the 5000 gallon diesel tank but the other debris in the area of the tank will be cleaned up.

Mr. Moore described the lot coverage and existing nonconforming structures.

Mr. Damm, an abutter to the project, read a statement noting a five-foot easement agreement between him and the applicant and he also mentioned that he intends to sell his property in the near future which would make the easement a moot point for him. However, he noted that if the pending sale did not go through he would continue to pursue perceived issues with the easement.

***Mr. Cochary moved to find the application complete. Mr. Bowden seconded and the Board voted unanimously to approve the motion.***

Ms. Stevens-Rosa opened the public hearing.

Ms. Krieg reviewed with the Board the findings necessary for a decision. They included the Shoreland setbacks and the nonconforming protections.

The applicant and the Board discussed the front setback. The applicant reiterated its position that the current front setback is zero and it will remain zero with the new structures.

Mr. Bragg asked the applicant to comment on the easement. The applicant confirmed that an easement exists and was granted after the pier and the structures were built. The applicant submitted to the record the language of the easement.

Mr. Bragg noted that the Board can look at the timing of the easement with respect to when the buildings were built and could make conditions to preserve the easement if they felt it necessary.

***Mr. Bowden moved to find that the applicant meets the setback to the greatest practical extent. Mr. Cochary seconded and the Board voted unanimously to approve the motion.***

The Board reviewed a draft decision for the project.

Ms. Krieg asked how the Board wants to handle the applicant coming back to the Board for changes and the Board preferred that staff review the changes to determine the need to come back to the Board.

The Board discussed sections 125-55 (A)(1) and 125-55 (B)(3) in the LUO.

***Mr. Bowden moved to approve the application with the findings that the applicant has met the standards in 125-55 (A)(1) and 125-55 (B)(3) to the greatest practical extent and the conditions that the applicant receives Appeals Board approval to relocate a nonconforming structure, Design Review Board approval for the design of the new structures and a Chapter 90 Flood Hazard Permit. Mr. Cochary seconded and the Board voted unanimously to approve the motion.***

## **VI. OTHER BUSINESS**

- A. Discussion about Land Use Ordinance amendments for June 2009
- Wind Turbine Ordinance

Mr. Hultgren updated the Board on the progress of the wind ordinance. He noted that staff is working on changing the standards to control for bulk to use rotor size instead of rated capacity. Other changes included enhancing setbacks to areas that abut districts where larger turbines are allowed and excluding the installation of turbines in historic districts.

Mr. Hultgren and the Board discussed a number of issues including tower height, bulk, design standards and abandonment.

Mr. Hultgren noted that wind turbine will be introduced to the Town Council on December 16.

- Other Ordinance Projects

Ms. Krieg updated the Board on the progress of the sign ordinance. She also reviewed plans for future ordinance changes including additional alterations to the Shoreland Zoning section and the street, stormwater, sewer and traffic sections. She noted that as part of the street reevaluation staff will review the two egress standard.

## **VII. PLANNING DIRECTOR'S REPORT**

There was no report.

## **VIII. BOARD MEMBER COMMENTS AND SUGGESTIONS FOR THE NEXT AGENDA**

There were no comments.

## **IX. ADJOURNMENT – 8:23**

*Mr. Cochary moved to adjourn. Mr. Bowden seconded and the Board voted unanimously to approve the motion.*

*Signed as approved:*

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Lynne Williams, Secretary  
Planning Board, Town of Bar Harbor

Date